IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.803 OF 2006
IN
CRIMINAL APPEAL NO. OF 2006

Shri Ishwardas Alias Uttam
Ambadasji Kalal (Rai) ..... Applicant.

V/s

Shri A. Shekhar Babu & Anr. ....Respondents.

Mr. M.S. Karnik for the applicant.

Mr. Y.M. Nakhwa, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 5th October, 2007

P.C.:

1. Applicant is challenging the judgment and order passed by the Judicial Magistrate, First Class, Nashik dated 18/01/2006 whereby the Trial Court was pleased to acquit the respondent - accused of the offence punishable under section 465 of the Indian Penal Code.

2. Applicant is a builder by profession and he had applied for seeking development permission from the Cantonment Board. The accused was the Executive Officer of the Cantonment Board. It is alleged that the accused had made interpolation in respect of the date of the said application in order to deprive the advantage which the

complainant could have otherwise derived. The learned Counsel appearing on behalf of the applicant submitted that under the provisions of section 181(6), if no reply is filed within 15 days from the date of notice, the Board was deemed to have given sanction to the plan and the complainant would proceed with the construction without further notice. The learned Counsel for the applicant submitted that the accused had demanded illegal gratification for sanctioning the plan and since this demand was not met, the said application had been forged and fabricated by altering the date.

3. The Trial Court, after considering the evidence on record, came to the conclusion that though the alteration was proved, it was not established that the accused had forged or fabricated the said letter and, therefore, acquitted the accused.

4. I have perused the impugned order. There is admittedly no direct evidence to indicate that the accused had fabricated the said document. The complainant, admittedly, has not examined the hand-writing expert to prove that the accused had fabricated the said document and, as such, the Trial Court was justified in coming to the conclusion that there was no evidence on record to show that the accused was responsible for making the said alteration. Hence, there is no reason to interfere with the impugned order. Leave is, therefore, refused. Application is dismissed. Appeal does not survive.

(V.M. KANADE, J.)